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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/534,836	03/24/2000	C. Andrew Neff	324628004US	2620
25096	7590	02/25/2004	EXAMINER	
PERKINS COIE LLP			BACKER, FIRMIN	
PATENT-SEA			ART UNIT	
P.O. BOX 1247			PAPER NUMBER	
SEATTLE, WA 98111-1247			3621	

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

09/534,836

Applicant(s)

NEFF, C. ANDREW

Examiner

Firmin Backer

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Amendment***

This is in response to an amendment file on December 27<sup>th</sup>, 2003 for letter for patent filed on March 24<sup>th</sup>, 2000 in which claims 1-40 were presented for examination. In the amendment, no claim has been amended, no claim has been canceled, and no claim has been added. Claims 1-40 remain pending in the letter.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Herschberg  
*(published literature provided by Applicant).*

3. As per claims 1, Herschberg teach a method of registration, comprising receiving a hash of a public key and a written signature of each of a plurality of registrants through a first channel of communications that includes hand-delivery, receiving a public key and associated identifying information of at least some of the plurality of registrants through a second channel of communications, different from the first channel of communications that excludes hand-delivery,

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for each of the plurality of registrants, digitally signing the public key if the hash of the public key of the registrant received through the first channel of communications corresponds to the public key of the registrant received through the second channel of communications; and providing the digitally signed public keys to an authenticating authority (*see abstract, fig 3.2, chapter 3, 4*).

4. As per claims 2, Herschberg teach a method further comprising rejecting the registrant if the hash of the public key of the registrant received through the first channel of communications does not correspond to the public key of the registrant received through the second channel of communications (*see abstract, fig 3.2, chapter 3, 4*).

5. As per claims 3, Herschberg teach a method wherein receiving a hash of a public key and a written signature through a first channel of communications includes receiving a written message via a courier (*see abstract, fig 3.2, chapter 3, 4*).

6. As per claims 4, Herschberg teach a method wherein receiving a public key and associated identifying information through a second channel of communications includes detecting a signal carried in at least one of an electrical, a magnetic, and an electro-magnetic carrier (*see abstract, fig 3.2, chapter 3, 4*).

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7. As per claims 5, Herschberg teach a method wherein the hash of the public key and the written signature of the registrants received through the first channel of communications are non-electronic (*see abstract, fig 3.2, chapter 3, 4*).

8. As per claims 6, Herschberg teach a method further comprising providing each of the registrants a copy of the respective digitally signed public key (*see abstract, fig 3.2, chapter 3, 4*).

9. As per claims 7, Herschberg teach a method further comprising creating a hash of the public key received through the second channel of communications for comparison to the hash of the public key received through the first channel of communications (*see abstract, fig 3.2, chapter 3, 4*).

10. As per claims 8, Herschberg teach a method further comprising enabling the registrants to submit the public key and associated identifying information through the second channel of communications only after receiving the hash of the public key and written signature through the first channel of communications (*see abstract, fig 3.2, chapter 3, 4*).

11. As per claims 9, Herschberg teach a method further comprising preventing the registrants from submitting the public key and associated identifying information through the second channel of communications until after the hash of the public key and written signature are received through the first channel of communications (*see abstract, fig 3.2, chapter 3, 4*).

12. As per claims 10, Herschberg teach a method further comprising entering the hash of the public key received through the first channel of communications into an electronic database (*see abstract, fig 3.2, chapter 3, 4*).

13. As per claims 11-40, they disclose the same inventive concept as in claims 1-10. Therefore, they are rejected under the same rationale (*see abstract, fig 3.2, chapter 3, 4*).

### ***Response to Arguments***

14. Applicant's arguments filed December 27<sup>th</sup>, 2003 have been fully considered but they are not persuasive.

a. Applicant argues that the prior art fail to disclose any method of registration that employs signature of multiple registrants. Examiner respectfully disagrees with Applicant's characterization of the prior art. Herschberg teach the use of cryptographic techniques in creating and casting ballot. Herschberg does not fail to ignore registration of participant. Herschberg need not to address the registration of participant since it is inherent that in order for a party/(ies) to participate in Herschberg voting scheme, the party/(ies) must be a registered voter (s). It is well know that non registered party(ies) cannot participate in any voting process. Therefore, disclosing voting registration in Herschberg would be redundant. Applicant further argues that Herschberg fail to disclose two channels communication that includes hand delivery. The channel of communication

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of the disclosed inventive concept indeed include hand delivery system, however does not exclude electronic communication that is taught in Herschberg. It appears that a choice can be made to using either communication means in order for the delivery to be effective. Therefore the 102 rejection is sustained.

### ***Conclusion***

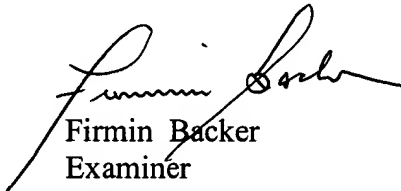
15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer  
Examiner  
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February 20, 2004